

Assembly Bill No. 2946

Passed the Assembly August 16, 2004

Chief Clerk of the Assembly

Passed the Senate August 9, 2004

Secretary of the Senate

This bill was received by the Governor this _____ day of
_____, 2004, at _____ o'clock __M.

Private Secretary of the Governor

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CHAPTER _____

An act to add Section 10007 to the Penal Code, relating to inmates.

LEGISLATIVE COUNSEL'S DIGEST

AB 2946, Goldberg. Inmates: correctional facilities: clergy access.

Existing law generally regulates the confinement and treatment of inmates in correctional facilities.

This bill would provide that a correctional facility may not deny a clergy member access to the facility because of specified actions by the clergy member.

The bill would declare the intent of the Legislature.

The people of the State of California do enact as follows:

SECTION 1. Section 10007 is added to the Penal Code, to read:

10007. (a) A correctional facility may not deny a clergy member access to the facility because the clergy member lodges a complaint about the behavior of staff or of the operation of the facility, assists in efforts to modify the functions of the facility, or provides information to the public, including the media, on any aspect of the operation of the facility, provided the information does not create a clear and present danger to the safety and security of the facility, staff, inmates, or the public through a violation of facility rules, or violates state or federal law.

(b) As used in this section, "clergy member" means a priest, minister, rabbi, imam, religious practitioner, lay chaplain, or similar functionary acting under the auspices of a church, temple, mosque, or other recognized religious denomination or organization.

(c) As used in this section, "correctional facility" means a state prison, county jail, Department of the Youth Authority facility, county or city operated juvenile facility, including juvenile halls, camps, or schools, or other state or local correctional institution.



(d) It is the intent of the Legislature in enacting these provisions to assist state and local agencies in their compliance with the holding of *Hyland v. Wonder* (9th Cir. 1997) 117 F.3d 405.



Approved _____, 2004

Governor

